

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Alfredo Garcia, individually and on behalf of
all other persons similarly situated

Plaintiff,
-against-
3662 Broadway Restaurant Corp. et al.,
Defendants.

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DATE FILED: 9/20/2022

1:19-cv-08297 (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

This case contains claims under the Fair Labor Standards Act. The parties appeared before me for a settlement conference on August 18, 2022 and reached a settlement in principle. On August 19, 2022, an Order was issued on the parties' consent referring disposition of this matter to me pursuant to 28 U.S.C. § 636(c). (ECF No. 54.) The same day, I entered an Order directing the parties to provide a copy of the settlement agreement to the Court together with a letter explaining why the settlement, including any provision for attorney's fees and costs, is fair, reasonable and adequate under *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). (See 8/19/2022 Order, ECF No. 55; see also 9/15/2022 Order, ECF No. 59 (extending deadline).)

On August 19 and 20, 2022, the parties submitted their proposed settlement agreement and related papers. (Consent Letter, ECF No. 60; Settlement Agmt., ECF No. 62.) Having reviewed the proposed settlement, the Court finds that it is fair and reasonable, given both the nature and scope of Plaintiff's individual claims as well as the risks and expenses involved in additional litigation. *See Wolinsky v. Scholastic, Inc.*, 900 F. Supp. 2d 332, 335-36 (S.D.N.Y. 2012).

In addition, Plaintiff seeks approval of \$10,766.18 in attorney's fees and costs, which is one-third of the total settlement amount plus costs. (See Consent Letter at 5; *see also id.* (calculating lodestar of \$ 7,050.00).) Courts in this Circuit typically approve attorney's fees in the amount of one-third of the total recovery. *See, e.g., Ramos v. DNC Food Serv. Corp.*, No. 19-CV-02967 (VS), 2022 WL 576300, at *2 (S.D.N.Y. Feb. 25, 2022) (citing cases). "Additionally, courts regularly award lodestar multipliers from two to six times lodestar." *Id.* (internal alterations and quotations omitted). In line with that precedent, the Court finds that the requested attorney's fees are fair and reasonable. In reaching this conclusion, the Court makes no findings with respect to the reasonableness of counsel's hourly rates.

For these reasons, the Court approves the settlement. This action is dismissed with prejudice and without costs except as may be stated in the settlement agreement. The Court will retain jurisdiction to enforce the settlement agreement. The Clerk of Court is respectfully requested to close this case.

SO ORDERED.

DATED: New York, New York
 September 20, 2022



STEWART D. AARON
United States Magistrate Judge